

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 849

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “school systems” and substitute “boards of education”; in the same line, strike “the participation of” and substitute “that”; in line 4, after “disabilities” insert “have certain opportunities”; in the same line, after “and” insert “certain”; in the same line, after “programs;” insert “providing for certain exceptions to these requirements under certain circumstances;”; in lines 5, 6, 7, 13, and 17, in each instance, strike “school systems” and substitute “boards”; in line 6, strike “programs;” in the same line, after “policies” strike the comma; strike beginning with “requiring” in line 8 down through “criteria;” in line 12 and substitute “requiring the State Board of Education to adopt a certain model policy to assist certain county boards;”; strike beginning with “authorizing” in line 15 down through “actions;” in line 17; strike beginning with “clarifying” in line 18 down through “provisions” in line 20 and substitute “providing for the enforcement of certain provisions; authorizing a court to award attorney’s fees”; in line 21, strike “local school system”; and in line 27, strike “7-4B-07” and substitute “7-4B-06”.

AMENDMENT NO. 2

On page 3, in line 6, strike “SPECIFICALLY”; after line 10, insert:

“(D) “MAINSTREAM ATHLETIC PROGRAM” MEANS INTRAMURAL OR INTERSCHOLASTIC ATHLETIC ACTIVITY THAT IS DEVELOPED AND OFFERED TO STUDENTS IN ACCORDANCE WITH CRITERIA ESTABLISHED BY THE STATE BOARD.”;

in line 11, strike “(D)” and substitute “(E)”; in the same line, strike “AND ATHLETIC”; in line 12, strike “ALL”; in the same line, strike “SCHOOL-BASED ACTIVITY” and substitute “PHYSICAL EDUCATION PROGRAM”; in line 13, after “STUDENTS” insert

(Over)

“IN ACCORDANCE WITH CRITERIA ESTABLISHED BY THE STATE BOARD”; strike in their entirety lines 14 through 16, inclusive; in line 20, strike **“THE”** and substitute “SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE”; in the same line, strike **“DEPARTMENT”** and substitute “STATE BOARD”; in the same line, strike **“SCHOOL SYSTEM”** and substitute “BOARD”; strike in their entirety lines 21 through 23, inclusive; after line 23, insert:

“(1) ENSURE THAT STUDENTS WITH DISABILITIES HAVE AN EQUAL OPPORTUNITY TO:

(I) PARTICIPATE IN MAINSTREAM PHYSICAL EDUCATION PROGRAMS; AND

(II) TRY OUT FOR AND, IF SELECTED, PARTICIPATE IN MAINSTREAM ATHLETIC PROGRAMS;”;

in line 27, after the first **“AND”** insert “MAINSTREAM”; in line 29, strike **“FOR STUDENTS WITH DISABILITIES ARE”**; and strike beginning with **“DEVELOPED”** in line 30 down through **“DISABILITIES”** in line 32 and substitute “ARE AVAILABLE”.

AMENDMENT NO. 3

On page 4, in line 1, strike **“REQUIREMENT”** and substitute “REQUIREMENTS”; in the same line, strike **“(A)(1)”** and substitute “(A)”; in line 5, after **“SCHOOL’S”** insert “MAINSTREAM PHYSICAL EDUCATION OR MAINSTREAM ATHLETIC”; in line 6, strike **“ATHLETIC OR PHYSICAL EDUCATION”**; strike in their entirety lines 7 through 24, inclusive; in line 25, strike **“(D)”** and substitute “(C)”; in lines 27 and 32, in each instance, strike **“SCHOOL SYSTEM”** and substitute “BOARD”; in line 29, after **“AND”** insert “MAINSTREAM”; and strike beginning with **“AVAILABLE”** in line 29 down through **“DISABILITIES”** in line 30.

AMENDMENT NO. 4

On page 5, in line 2, after “**INTO**” insert “**MAINSTREAM**”; in line 3, after “**AND**” insert “**MAINSTREAM**”; in lines 4 and 5, strike “**AND WITHOUT**”; strike beginning with “**FOR**” in line 8 down through “**AND**” in line 11 and substitute “**;OR**”; in line 14, strike “**SCHOOL SYSTEM’S**” and substitute “**COUNTY BOARD’S**”; in line 15, strike “**;AND**” and substitute a period; and after line 15, insert:

“(B) THE STATE BOARD SHALL ADOPT A MODEL POLICY TO ASSIST A COUNTY BOARD WITH THE IMPLEMENTATION OF THIS SECTION.”

AMENDMENT NO. 5

On pages 5 and 6, strike in their entirety the lines beginning with line 16 on page 5 through line 26 on page 6, inclusive.

On page 6, in line 28, strike “**SCHOOL SYSTEMS**” and substitute “**BOARDS**”; after line 26, insert:

“7-4B-04.”;

strike beginning with the colon in line 29 down through “**INVESTIGATE**” in line 30 and substitute “**INVESTIGATE**”; and in line 33, strike “**;AND**” and substitute a period.

AMENDMENT NO. 6

On page 7, strike in their entirety lines 1 through 22, inclusive; after line 22, insert:

“7-4B-05.”;

in line 23, strike “**OCTOBER**” and substitute “**FEBRUARY**”; in line 28, strike “**AN ASSESSMENT OF HOW MANY**” and substitute “**THE NUMBER OF**”; in the same line, after “**DISABILITIES**” insert “**THAT**”; in line 29, after “**SYSTEM’S**” insert

(Over)

“MAINSTREAM”; in the same line, after **“OR”** insert “MAINSTREAM”; and in line 30, after the semicolon insert “AND”.

AMENDMENT NO. 7

On pages 7 and 8, strike the lines beginning with line 31 on page 7 through line 3 on page 8, inclusive.

On page 8, in line 4, strike **“(4)”** and substitute **“(2)”**; in the same line, strike **“SCHOOL SYSTEM”** and substitute **“COUNTY BOARD”**; in line 5, after **“IN”** insert “MAINSTREAM”; in line 6, after **“OR”** insert “MAINSTREAM”; in line 7, strike **“SCHOOL SYSTEM”** and substitute **“BOARD”**; in line 8, after **“SHALL”** insert **“BE CONSISTENT WITH REGULATIONS ADOPTED BY THE STATE BOARD.”**; strike beginning with **“INCLUDE:”** in line 9 down through **“SECTION.”** in line 27; in line 28, strike **“(E)”** and substitute **“(D)”**; in the same line, strike **“DECEMBER 31”** and substitute **“MAY 1”**; in line 30, strike **“COUNTY SCHOOL SYSTEM”**; and in line 32, strike **“7-4B-07.”** and substitute **“7-4B-06.”**.

AMENDMENT NO. 8

On page 9, strike in their entirety lines 5 through 14, inclusive; in line 4, strike **“SCHOOL SYSTEMS”** and substitute **“BOARDS”**; in line 15, strike **“(D)”** and substitute **“(C)(1)”**; in line 16, strike **“SCHOOL SYSTEM”** and substitute **“BOARD”**; strike beginning with **“FOR”** in line 16 down through **“FEES”** in line 19; after line 19, insert:

“(2) A COURT MAY AWARD ATTORNEY’S FEES.”;

and in line 20, strike **“school system”** and substitute “board of education”.